IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1793	:	
	:	
Application Serial No. 10/656,918	:	
	:	COBALT-NICKEL-CHROMIUM-
In re Application of Forbes Jones et al.	:	MOLYBDENUM ALLOYS WITH
	:	REDUCED LEVEL OF
Filed September 5, 2003	:	TITANIUM NITRIDE
	:	INCLUSIONS
Examiner Jessee Roe	:	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

VIA EFS-Web

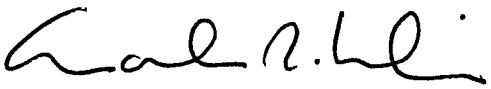
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant submit this Response in reply to the January 26, 2010 Notification of Non-Compliant Appeal Brief (the "Notification"), in which the Office objects to the Appeal Brief filed on July 2, 2009 because the "Summary of Claimed Subject Matter" the brief "does not refer to claims (1,32) on appeal explicitly to the specification by page, and line numbers and to the drawings if any."

In reply to the Notification, Appellant submits herewith a substitute "Summary of Claimed Subject Matter" section for the Appeal Brief. As text added to the substitute section has caused the section to extend beyond original page 8, the second page of the attached substitute section has been paginated as "8A".

Respectfully submitted,



Dated: February 12, 2010

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V. SUMMARY OF CLAIMED SUBJECT MATTER

All references herein to paragraphs of the specification of the Present Application refer to the numbered paragraphs of the Present Application as published (Pub. No. 2005-0051243 A1). The claims under consideration in the present Appeal arguably include two independent claims, which are claims 1 and 32. These claims read as follows:

1. An alloy having favorable fatigue resistance and comprising:
at least 20 weight percent cobalt;
32.7 to 37.3 weight percent nickel;
18.75 to 21.25 weight percent chromium;
8.85 to 10.65 weight percent molybdenum;
less than 30 ppm nitrogen;
less than 0.7 weight percent titanium;
at least one of at least 0.05 to 0.15 weight percent aluminum, at least 5 to 20 ppm calcium, at least 5 to 50 ppm magnesium, and at least 5 to 50 ppm cerium; and
no greater than 1.05 weight percent iron;
no greater than 0.035 weight percent carbon; and
wherein the alloy includes generally spherical oxide inclusions and is substantially free of titanium nitride and mixed metal carbonitride inclusions.

32. An article of manufacture comprising the alloy of any of claims 1, 2, 4-8, 10, and 12-20.

Therefore, claim 1 is directed to an alloy having favorable fatigue resistance and the composition recited in the claim, and wherein the alloy also "includes generally spherical oxide inclusions and is substantially free of titanium nitride and mixed metal carbonitride inclusions."

Claim 32 is directed to an article of manufacture including the alloy recited in any of claim 1 or various other dependent claims which directly or ultimately depend from claim 1.

With regard to claim 1, the alloy's cobalt, nickel, chromium, molybdenum, and nitrogen contents recited in claim 1 are disclosed at least in original claim 1 and on page 4, lines 2-5 (paragraph 0005) of the Present Application. The titanium content recited in claim 1 is disclosed at least in original claim 3 and at page 16, lines 2-5 (paragraph 00044) of the Present Application. The aluminum content recited in claim 1 is disclosed at least in original claim 12; at page 16, lines 6-10 (paragraph 0045); at page 17, lines 1-3 (paragraph 0046); and at page 30, line 27 to page 31, line 2 (paragraph 0075) of the Present Application. The calcium content recited in claim 1 is disclosed at least in original claim 13 and at page 30, line 27 to page 31, line 2 (paragraph 0075) of the Present Application. The magnesium content recited in claim 1 is disclosed at least in original claim 14 and at page 30, line 27 to page 31, line 2 (paragraph 0075) of the Present Application. The cerium content recited in claim 1 is disclosed at least in original claim 15 and at page 30, line 27 to page 31, line 2 (paragraph 0075) of the Present Application. The iron and carbon contents recited in claim 1 are disclosed at least in original claim 5 and in Table 1 of the Present Application. The limitation in claim 1 reciting that "... the alloy includes generally spherical oxide inclusions" is supported at least by page 16, lines 6-13 (paragraph 0045); page 22, lines 9-13 (paragraph 0059); and Figure 6 of the Present Application. The limitation in claim 1 reciting that the alloy is "substantially free of titanium nitride and mixed metal carbonitride inclusions" is supported at least by page 4, lines 4-5 (paragraph 0005), and by page 9, line 22 to page 10, line 9 (paragraph 0034) of the Present Application.

Regarding claim 32, the subject matter of the claim is supported at least by original claims 32-34; page 1, lines 6-14 (paragraph 0001); and page 4, lines 14-21 (paragraph 0007).